

REMARKS

Claims 22-35 are active in this application.

Applicants respectfully request reconsideration of the application, in view of the following remarks and the attached new **Rule 132 Declaration**.

The present invention as set forth in **Claim 22** relates to an absorbent insert for a packaging, comprising:

a top covering layer;

a bottom covering layer; and

a core which absorbs an aqueous liquid and comprises an absorbent polymer;

wherein said absorbent polymer has been obtained from a partially neutralized ethylenically unsaturated monomer containing an acid group and a crosslinker; and

wherein said absorbent polymer has a quotient $Q_{SAP\ 0,3}$ calculated from retention and absorption under a pressure of 0,3 psi and from an amount of a soluble ratio of at least 20 and a retention of at least 22 g/g.

Claim 34 relates to a method of packaging foodstuff, comprising:

packaging a foodstuff in a package comprising the absorbent insert which comprises (a) a top covering layer, (b) a bottom covering layer, and (c) a core which absorbs an aqueous liquid and comprises an absorbent polymer;

wherein the absorbent polymer has been obtained from a partially neutralized ethylenically unsaturated monomer containing an acid group and a crosslinker; and

wherein said absorbent polymer has a quotient $Q_{SAP\ 0,3}$ calculated from retention and absorption under a pressure of 0,3 psi and from the amount of soluble ratio of at least 20 and a retention of at least 22 g/g.

Claim 35 relates to a method of making ice for a packaging application, comprising:

(a) providing an absorbent insert comprising (a) a top covering layer, (b) a bottom covering layer, and (c) a core which absorbs an aqueous liquid and comprises an absorbent polymer, wherein the absorbent polymer has been obtained from a partially neutralized ethylenically unsaturated monomer containing an acid group and a crosslinker; and wherein said absorbent polymer has a quotient $Q_{SAP\ 0,3}$ calculated from retention and absorption under a pressure of 0,3 psi and from the amount of soluble ratio of at least 20 and a retention of at least 22 g/g;

(b) soaking said absorbent insert in water, thereby obtaining a soaked insert; and

(c) freezing the soaked insert.

In the parent case, Serial No. 09/961,431, Applicants had pointed out that none of the cited references discloses or suggests the claimed absorbent insert having the claimed structure and an absorbent polymer with the claimed Q_{SAP} . However, it was the Examiners' opinion that at least the polymer of Brehm et al inherently possesses the claimed Q_{SAP} and that it is obvious to use this polymer in a structure such as that disclosed by Midkiff et al. The Examiner had indicated that Applicants may address her concern by providing data that show that the polymers exemplified by Brehm et al do not have the claimed Q_{SAP} .

Applicants filed a Rule 132 on August 24, 2005. Attached herewith is a new Rule 132 Declaration in which the previous experiments were repeated on a larger scale, namely closer to the scale described in Brehm et al. In addition, Martin Tennie, the Declarant, determined the properties of the examples given in Table 1 of Brehm et al. It is shown that the Q_{SAP} of Brehm et al is much lower than the claimed "at least 20".

In addition, Midkiff et al, Kellenberger, and Poccia et al do not disclose or suggest an absorbent polymer with the claimed Q_{SAP} .

Therefore, the rejection of Claims 22-27, 29, 30, 32 and 33 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Brehm et al (US 5,672,633), the rejection of Claim 34 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Midkiff et al (EP 0 353 334), the rejection of Claim 35 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Dawson et al (US 5,709,089), the rejection of Claim 28 under 35 U.S.C. § 103(a) as being unpatentable over Brehm et al in view of Kellenberger (EP 0443 627 A2), the rejection of Claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Brehm et al in view of Poccia et al (US 5,100,397) are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

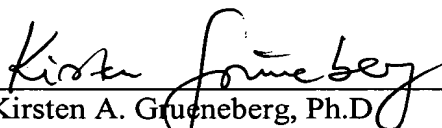
This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
NFO:KAG:


Kirsten A. Grueneberg, Ph.D.
Registration No.: 47,297